

SECOND REGULAR SESSION

HOUSE BILL NO. 2081

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STACY.

4101H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.085, 115.105, 115.107, 115.111, and 116.310, RSMo, and to enact in lieu thereof five new sections relating to elections, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.085, 115.105, 115.107, 115.111, and 116.310, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.085, 115.105, 115.107, 115.111, and 116.310, to read as follows:

115.085. No person shall be appointed to serve as an election judge who is not a registered voter in this state~~]; provided that, before any election authority may appoint judges who are registered voters of another election authority's jurisdiction, the election authority shall obtain the written consent of the election authority for the jurisdiction where the prospective judges are registered to vote]~~. Each election judge shall be a person of good repute and character who can speak, read, and write the English language. No person shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other elective public office, other than as a member of a political party committee or township office, except any person who is elected to a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or candidate on the ballot. In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 for any other office and who is unopposed for election as a member of the committee shall not
18 be disqualified from serving as an election judge.

115.105. 1. The chair of the county committee of each political party named on the
2 ballot shall have the right to designate a challenger for each polling place, who may be
3 present until all ballots are cast ~~[on the day of election]~~, and a challenger for each location at
4 which ~~[absentee]~~ ballots are counted, who may be present while the ballots are being prepared
5 for counting and counted. No later than four business days before the election **or four**
6 **business days before absentee voting begins**, the chair of each county committee of each
7 political party named on the ballot shall provide signed official designation forms with the
8 names of the designated challengers and substitutes to the local election authority for
9 confirmation of eligibility to serve as a challenger. The local election authority, after
10 verifying the eligibility of each designated and substitute challenger, shall sign off on the
11 official designation forms, unless the challenger is found not to have the qualifications
12 established by subsection 5 of this section. If the election authority determines that a
13 challenger does not meet the qualifications of subsection 5 of this section, the designating
14 party chair may designate a replacement challenger and provide the local election authority
15 with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the
16 election. The designating chair may substitute challengers at his or her discretion during such
17 hours.

18 2. Challenges may only be made when the challenger believes the election laws of
19 this state have been or will be violated, and each challenger shall report any such belief to the
20 election judges, or to the election authority if not satisfied with the decision of the election
21 judges.

22 3. Prior to the close of the polls, challengers may list and give out the names of those
23 who have voted. The listing and giving out of names of those who have voted by a challenger
24 shall not be considered giving information tending to show the state of the count.

25 4. In a presidential primary election, challengers may collect information about the
26 party ballot selected by the voter and may disclose party affiliation information after the polls
27 close.

28 5. All persons selected as challengers shall have the same qualifications required by
29 section 115.085 for election judges~~], except that such challenger shall be a registered voter in~~
30 ~~the jurisdiction of the election authority for which the challenger is designated as a~~
31 ~~challenger]~~.

32 6. Any challenge by a challenger to a voter's identification for validity shall be made
33 only to the election judges or other election authority. If the poll challenger is not satisfied
34 with the decision of the election judges, then he or she may report his or her belief that the

35 election laws of this state have been or will be violated to the election authority as allowed
36 under this section.

115.107. 1. At every election, the chairman of the county committee of each political
2 party named on the ballot shall have the right to designate a watcher for each place votes are
3 **cast or** counted.

4 2. Watchers are to observe the counting of the votes and present any complaint of
5 irregularity or law violation to the election judges, or to the election authority if not satisfied
6 with the decision of the election judges. No watcher may be substituted for another on
7 election day.

8 3. No watcher shall report to anyone the name of any person who has or has not
9 voted.

10 4. A watcher may remain present until all closing certification forms are completed,
11 all equipment is closed and taken down, the transportation case for the ballots is sealed,
12 election materials are returned to the election authority or to the designated collection place
13 for a polling place, and any other duties or procedures required under sections 115.447 to
14 115.491 are completed. **A watcher may be present where absentee ballots are being cast.**
15 A watcher may also remain present at each location at which ~~[absentee]~~ ballots are counted
16 and may remain present while such ballots are being prepared for counting and counted.

17 5. All persons selected as watchers shall have the same qualifications required by
18 section 115.085 for election judges~~[-except that such watcher shall be a registered voter in the~~
19 ~~jurisdiction of the election authority for which the watcher is designated as a watcher].~~

115.111. 1. **The local election authority shall clearly designate observation areas
2 for election challengers and watchers. The observation areas shall not be less than three
3 feet from nor more than six feet from the table at which voters announce their name and
4 address to be issued a voter number at the polling place, office, or alternate site and not
5 less than three feet from nor more than six feet from the table at which a person may
6 register to vote at the polling place, office, or alternate site. The observation areas shall
7 be positioned to permit any election challenger or watcher to readily observe all public
8 aspects of the voting process.**

9 2. **The local election authority shall provide election challengers and watchers
10 uniform and nondiscriminatory access to observe all stages of the election process
11 including, but not limited to, the certification of voting systems, testing of tabulating
12 equipment, absentee voting in person, canvassing, voter appeals, vote tabulation, ballot
13 transport, audits, and recounts.**

14 3. **Each watcher or challenger shall wear a badge with the name of the
15 individual, political party, or ballot measure committee the individual is representing.**

16 **4. A watcher or challenger shall not wear or display any campaign material**
17 **advocating voting for or against any candidate or ballot measure.**

18 **5.** If any watcher or challenger interferes with the orderly process of voting, or is
19 guilty of misconduct or any law violation, the election judges shall ask the watcher or
20 challenger to leave the polling place or cease the interference. If the interference continues,
21 the election judges shall notify the election authority, which shall take such action as it deems
22 necessary. It shall be the duty of the police, if requested by the election authority or judges of
23 election, to exclude any watcher or challenger from the polling place or the place where votes
24 are being counted. If any challenger is excluded, another may be substituted by the
25 designating committee chairman.

26 **6. A watcher or challenger shall not interfere with any voter in the preparation**
27 **or casting of the voter's ballot or hinder or prevent the performance of the duties of any**
28 **election official.**

29 **7. A watcher or challenger may bring in voter lists to observe.**

30 **8. A watcher or challenger may flag ballots for review by election judges from**
31 **the major political parties as provided in section 115.429.**

32 **9. An election official who obstructs the rights of a watcher or challenger under**
33 **this section shall be guilty of a class 3 election offense.**

116.310. 1. Not later than the Tuesday prior to an election on a statewide ballot
2 measure, each county campaign committee chairman who had the right to designate
3 challengers under section 116.300 shall designate such challengers, who may be present at
4 each polling place during the hours of voting. Each such chairman shall also by the same
5 time designate a challenger for each location at which [absentee] ballots are counted. The
6 challengers so designated may be present while the ballots are being prepared for counting
7 and being counted. **Not later than the Tuesday before the beginning of absentee voting,**
8 **challengers may be designated to be present where absentee ballots are cast.**

9 2. Not later than the Tuesday prior to an election on a statewide ballot measure, each
10 campaign committee chairman who has the right to designate watchers under section 116.300
11 shall designate a watcher for each place votes are counted.

12 3. After challengers and watchers have been designated, the provisions contained in
13 sections 115.105, 115.107, 115.109, and 115.111 shall apply to them.

14 4. Failure to designate challengers and watchers by the prescribed times shall cause
15 the county campaign committee to forfeit its right to name such persons for those omitted
16 locations for that election.